

REMARKS

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

In the pending Office Action, the Examiner rejected claim 1-3 and 9-11, under 35 U.S.C. §102(b), as allegedly being anticipated by Ishibashi '664 (U.S. Pub. No.2002/0118664); and rejected claims 4-8 and 12-16, as allegedly being unpatentable over Ishibashi '664 in view of Yeap '760 (U.S. Pub. No.2006/0069760).

By this Amendment, claims 1, 6-8, 9, 11, and 14-16 have been amended to provide a clearer presentation of the claimed subject matter and claims 2, 4-5, 10, and 12-13 have been cancelled. No new matter has been added. Accordingly, claims 1, 3, 6-9, 11, 14-16 are currently submitted for examination, of which claims 1 and 9 are independent.

Applicant respectfully traverse the rejections, under 35 U.S.C. §102(e) and §103(a) for the following reasons:

II. Rejections Under §102(e) & §103(a).

As indicated above, amended claim 1 is directed to an information processing apparatus having a communication apparatus which is configured to perform network connection via a wireless relay apparatus. Claim 1 positively recites a priority condition setting unit which is configured to set a priority condition for determining priorities of the communication profiles to be used by the communication apparatus, *wherein the priority condition setting unit sets the priority condition based on the communication speed, the security level, the communication channel, and the radio field strength*. These features are amply supported by the various embodiments disclosed in the written description.

Applicant submits that the Ishibashi '664 reference fails to teach each and every element of claim 1, including the features noted above. In particular, Ishibashi '664 is directed to an apparatus that receives a beacon frame from a radio communication device, and accesses it based on the content of the beacon frame. Ishibashi '664 specifically states that mobile PC 1 registers a

plurality of access point setups, which are assigned priority levels. The mobile PC 1 attempts to detect in descending order of priority level if an access point with which it can communicate is present. The priorities are assigned based on user preferences, such as, access point 23 equipped at the office is given the first priority, and access point 24 at the meeting room and the access point 32 are given the second and third priority levels, respectively. (See, Ishibashi '664: par. [0058]-[0059]).

This is in direct contrast to the present invention, which requires setting priority condition levels based on *the communication speed, the security level, the communication channel, and the radio field strength*, as recited in claim 1.

Applicants submit that the remaining reference, Yeap '760, fails to cure the deficiencies of Ishibashi '664 noted above and fails in its own right to disclose each and every element of claim 1. For example, Yeap '760 discloses a technique of setting priority conditions based on communication speed and determining the degree of priority of a communication profile based on the set priority conditions. This still fails to teach setting priority condition levels based on *the communication speed, the security level, the communication channel, and the radio field strength*, as recited in claim 1.

Thus, for at least these reasons, Applicant submits that none of the asserted references, whether taken alone or in combination, are capable of anticipating claim 1 or, for that matter, rendering claim 1 unpatentable. As such, claim 1 is clearly patentable. And, because claims 3 and 6-8 depend from claim 1, claims 3 and 6-8 are patentable by virtue of dependency as well as for their additional recitations.

Moreover, because independent claim 9 recites similar patentable features as claim 1, claim 9 is patentable for at least the reasons presented relative to claim 1. And, because claims 11, and 14-16 depend from claim 9, claims 11, and 14-16 are patentable by virtue of dependency as well as for their additional recitations.

Accordingly, reconsideration and the immediate withdrawal of the rejections under §102(e) and §103(a) are respectfully requested.

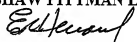
III. Conclusion.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' Representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully Submitted,
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